IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MARIBEL RODRIGUEZ,	)	
	)	
Plaintiff,	)	
	)	No. 06 CV 3964
v.	)	
	)	Judge Gottschall
	)	
COOK COUNTY DEPARTMENT OF REVENUE, BARBARA BRUNO, and BILL SEDLACK,	)	Magistrate Judge Denlow
	)	
	)	
	)	
Defendants	)	

AMENDED COMPLAINT AND JURY DEMAND

NOW COMES the plaintiff, MARIBEL RODRIGUEZ ("Plaintiff" or "Rodriquez"), by and through one of her attorneys, Josh M. Friedman, and complains against the Defendants, COOK COUNTY DEPARTMENT OF REVENUE ("Cook County"), BARBARA BRUNO ("Bruno") and BILL SEDLACK ("Sedlack") as follows:

INTRODUCTION

1. This is an action against Cook County Department of Revenue and two of its supervisory employees for their discriminatory treatment and retaliatory termination of Rodriguez, a female Hispanic individual.

PARTIES

2. Plaintiff is an individual who presently resides in Chicago, Illinois. Plaintiff is a citizen of the United States of America and she is entitled to all the rights, privileges and immunities guaranteed to all citizens of the United States under the Constitution and Laws of the United States.

3. Defendant Cook County Department of Revenue ("Cook County") is a unit of local government and employs in excess of 500 employees. Cook County qualifies as an employer for purposes of Title VII and Section 1981.

4. At all times relevant hereto, Defendants Bruno and Sedlack were supervisory employees employed by Defendant Cook County and were acting within the scope of their employment and under color of law.

JURISDICTION

5. This action arises under, and jurisdiction is founded on, 28 U.S.C. §§ 1331 and 1343(4) and 1367; Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2 *et seq.* as amended ("Title VII"); 42 U.S.C. § 1981(b) ("Section 1981"); and the Civil Rights Act of 1991. Jurisdiction also lies under 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by Title VII and Section 1981.

6. Venue is proper pursuant to 28 U.S.C. § 1391 as this is the judicial district where a substantial part of the events or omissions giving rise to the claim occurred and, upon information and belief, where all the parties reside.

7. Plaintiff timely filed a Charge of Discrimination claiming she had been discriminated against on or about July 13, 2005.

8. The U.S. Equal Employment Opportunity Commission ("EEOC") mailed a Notice of Right to Sue to Plaintiff on or about April 21, 2006. Plaintiff filed this action within 90 days of her receipt of that Notice. (A Copy of the Right to Sue letter is attached as Exhibit A.).

9. Plaintiff has exhausted her federal administrative remedies and under 42 U.S.C. § 2000e-5 has standing to file a Title VII action against Defendants.

FACTS COMMON TO ALL COUNTS

10. Rodriguez began her employment with Defendant Cook County in or around June 2004 as an accountant.

11. At all times relevant hereto, Rodriguez performed her work satisfactorily.

12. During Plaintiff's employment, Bruno, a non-Hispanic individual and the Director of the Cook County Department of Revenue, repeatedly criticized Plaintiff for her choice of dress, her hair style and her shoes, even before there was an official dress code. The implication of Bruno's criticism was that Rodriguez dress and hair style were too flashy. Bruno did not criticize the dress or hair styles of similarly situated non-Hispanic employees.

13. During her employment, Rodriguez was performing the work of a grade-14 employee but was only paid at the level of a grade 11 employee. A similarly situated non-Hispanic employee who was only performing the work of a grade 11 employee received a promotion to grade 14 and grade 14 pay. Rodriguez did not receive a promotion at anytime during her employment.

14. Beginning in or around December 2004, Sedlack, Plaintiff's immediate supervisor, began a campaign of sexual harassment against Rodriguez, which included unwanted touching of Plaintiff by Sedlack, and repeated sexually offensive comments directed at Rodriguez. Said comments were unwelcome, were severe and pervasive, and unreasonably interfered with Rodriguez's ability to function in her workplace.

15. Rodriguez complained to Bruno on several occasions during her employment about her pay grade level, Bruno's comments about Rodriguez's dress and hairstyle, and about Sedlack's sexual harassment of her. Bruno, however, refused to do anything about Rodriguez's complaints.

16. In or around May 2005, Plaintiff was suspended allegedly for inappropriate use of her computer. Plaintiff did not use her computer inappropriately.

17. Plaintiff was terminated by Defendant Cook County on or about June 17, 2005.

18. Defendant Cook County, through Bruno and Sedlack, retaliated against Rodriguez for complaining by making false disciplinary allegations against her, suspending her and eventually terminating her.

COUNT I – SEXUAL HARASSMENT UNDER TITLE VII

19. Plaintiff realleges paragraphs 1-18 as paragraph 19.

20. Defendant Sedlack committed sexual harassment against Plaintiff.

21. Defendants' actions constituteD malicious and reckless indifference to Rodriguez's federally protected rights.

22. As a proximate result of the discriminatory treatment alleged above, Rodriguez has suffered loss of income, loss of other monetary benefits, loss of future business opportunities, emotional distress and other forms of damage.

COUNT II- RACE DISCRIMINATION
TITLE VII and SECTION 1981

23. Plaintiff reasserts and realleges paragraphs 1-18 as paragraph 23.

24. As alleged above, plaintiff was subjected to race discrimination in violation of Title VII and Section 1981.

25. The conduct of the Defendants with respect to Plaintiff constituted malice or reckless indifference to Plaintiff's federally protected rights.

26. As a proximate result of the racially discriminating practices alleged above, Rodriguez has suffered loss of income, loss of other monetary benefits, loss of future business opportunities, emotional distress, and other forms of damage.

COUNT III
RETALIATION IN VIOLATION OF SECTION 1981

27. Rodriguez reasserts and realleges Paragraphs 1-18 as Paragraph 27.

28. In response to Plaintiff's complaints to Bruno about race discrimination, Defendants subjected her to the adverse and retaliatory employment actions as alleged above.

29. Section 1981 prohibits retaliation against employees on the basis of race.

30. As a proximate result of the retaliatory practices alleged herein, Rodriguez has suffered loss of income, loss of other monetary benefits, loss of future business opportunities, emotional distress, and other forms of damage.

COUNT IV
SECTION 1983

31. Rodriguez reasserts and realleges Paragraphs 1-18 as paragraph 31.

32. As alleged above, the conduct by Defendants Bruno and Sedlack toward Plaintiff constituted violations of Plaintiff's federally protected rights under Title VII and Section 1981.

33 The misconduct alleged above was objectively unreasonable and was undertaken intentionally with willful or reckless indifference to Plaintiff's federally protected rights.

34. As a proximate result of the misconduct alleged herein, Rodriguez has suffered loss of income, loss of other monetary benefits, loss of future business opportunities, emotional distress, and other forms of damage.

WHEREFORE, Plaintiff prays for the following relief:

(a) Trial by Jury on the charges raised in her Complaint, and those investigated with the EEOC and advancement on the Court's docket for a speedy hearing;

(b) That a declaratory judgment be issued that Plaintiff's rights have been violated as alleged above and that the practices complained of herein are unlawful and in violation of the acts cited;

(c) This the Court permanently enjoin Defendants, their agents, successors, officers, employees and attorneys and those acting in concert with them from engaging in each of the unlawful practices, policies, customs, and usages set forth herein, and from continuing any and all other practices shown to be in violation of applicable law;

(d) That Plaintiff have and recover from the Defendants reinstatement or front pay, back wages and lost benefits with interest, pre and post judgment interest, compensatory, consequential and punitive damages for emotional pain, suffering, inconvenience, mental anguish and other non-pecuniary losses under Title VII, Section 1981, and Section 1983 for Defendants' conduct and for any other damages to which Plaintiff may be entitled under federal and/or state law;

(e) That Plaintiff be awarded the costs and disbursements of this action, including reasonable attorney's fees pursuant to the Civil Rights Attorneys Fee Award Act of 1976, 42 U.S.C. Section 1988 and any other attorney fee statutes; and

(f) Grant such other relief as the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

MARIBEL RODRIGUEZ,

By /s/Josh Friedman
One of her attorneys

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CERTIFICATE OF SERVICE

I, Josh Friedman, Attorney for Plaintiff, hereby certify that a copy of the foregoing Amended Complaint and Jury Demand was served by ordinary U.S. Mail postage prepaid, on June 20, 2007 on the following individual:

Arleen C. Anderson
Assistant State's Attorney
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Chicago, Illinois 60602
Attorney for Defendants

/s/ Josh M. Friedman
One of the attorneys for Plaintiff